

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re

4921 12TH AVENUE LLC

Debtor

Case No.: 1-18-47256-JMM

Chapter 7

MARK FRANKEL AS PLAN ADMINISTRATOR
FOR 4921 12TH AVENUE LLC

Plaintiff

Adv. Pro. No.: 1-19-01120-JMM

Vs

YEHUDA SALAMON

YIDEL'S SHOPPING CART, INC.

E-COMMERCE EXPAND, LLC

YIDEL'S ONLINE FOOD STATION, LLC

YIDEL'S SHOPPING CART, INC. D/B/A
RIVERSTONE GROUP

RIVERSTONE, USA, LLC

JOHN DOE NO. 1 through JOHN DOE NO. 10, the last
ten names being fictitious and unknown to Plaintiff,
persons or parties intended being persons, corporations
or others, being the current and former tenants or
occupants of the Debtor's real property located at 4917-
4921 12th Avenue, Brooklyn, New York

ULTIMATE OPPURTUNITIES, LLC A/K/A
ULTIMATE OPPORTUNITIES, LLC

Defendants

ORDER FOR ENTRY OF DEFAULT JUDGMENT

This matter having come before the court by way of an adversary proceeding
by the Plaintiff, Mark Frankel as Plan Administrator for 4921 12th Avenue LLC ("Plaintiff")
by way of amended complaint dated February 21, 2020 and filed as CM/ECF 43 for redress
for fraudulent conveyances pursuant to NY Debtor & Creditor Law §§ 273-276 and unpaid
rent; and

Defendant, Ultimate Oppurtunities, LLC a/k/a Ultimate Opportunities, LLC

(“Ultimate LLC”) having appeared in this proceeding by way of Notice of Appearance dated March 23, 2020 and filed as CM/ECF 60 by and through its then-counsel, Btzalel Hirschhorn, Esq., of Shiryak, Bowman, Anderson, Gill & Kadochnikov, LLP; and

Ultimate LLC having filed a pre-answer motion to dismiss dated March 25, 2020 and filed as CM/ECF 61 (denied for the reasons stated on the record at the May 6, 2020 hearing, and by Order filed May 19, 2020 as CM/ECF 69); and

Ultimate LLC having filed an answer to the amended complaint and counterclaim against Plaintiff, dated May 7, 2020 and filed as CM/ECF 66; and

Ultimate LLC’s counsel having withdrawn from this proceeding by Order entered September 28, 2020 as CM/ECF 87; and

Plaintiff having moved by way of notice of motion dated November 11, 2020 and filed as CM/ECF 90 (the “Motion”) for default judgment against Ultimate LLC, and amended notice of motion dated December 2, 2020 and filed as CM/ECF 96;

Ultimate LLC failing to appear or oppose the Motion; and

The motion having been supplemented by the affidavit of Erik Yankelovich dated February 11, 2021 and filed as CM/ECF 104, and the affirmation of Mark Frankel dated February 16, 2021 and filed as CM/ECF 105; and

The Court having reviewed the Motion and supporting affidavits and affirmations and finding them sufficient for the reasons set for on the record.

NOW THEREFORE,

IT IS ORDERED, that the Motion is granted as provided herein; and it is further

ORDERED, that judgment on default is to be entered against Ultimate LLC

in the total amount of \$1,296,632 for unpaid use and occupancy for the premises first floor and basement of 4917-4921 12th Avenue, Brooklyn, New York through February 1, 2021, pursuant to the twenty-ninth cause of action of the amended complaint.

ORDERED, that post-judgment interest shall accrue at the applicable rate.

ORDERED, that any and all claims of Ultimate LLC against the Debtor's estate are disallowed until the judgment is paid in full; and, it is further

ORDERED, that the Plaintiff serve a copy of this Order for Default Judgment upon Ultimate LLC at its last known place of business, via first-class mail, and file proof of such service with the Court; and, it is further

ORDERED, that the Plaintiff is authorized to do such things, expend such funds and execute those documents necessary to implement the terms of this Order.

**Dated: Brooklyn, New York
March 22, 2021**





JH Mazer-Marino
United States Bankruptcy Judge